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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,035	07/25/2003	Mohammad Farooque	B429-058	3713

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COWAN LIEBOWITZ & LATMAN, P.C
JOHN J TORRENTE
1133 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER

KALAFUT, STEPHEN J

ART UNIT PAPER NUMBER

1745

DATE MAILED: 03/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/627,035

Applicant(s)

FAROOQUE ET AL.

Examiner

Stephen J. Kalafut

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 44-72 is/are allowed.
- 6) ☒ Claim(s) 1 and 34-39 is/are rejected.
- 7) ☒ Claim(s) 2-33 and 40-43 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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Claims 1 and 34-36 are rejected under 35 U.S.C. 102(a) and (e) as being anticipated by Murakami *et al.* (US 6,607,830), for reasons of record.

Claims 1 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by either Saito (US 5,154,977) or Inciong (US 5,687,975), for reasons of record.

Claims 1 and 34-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Gallo *et al.* (US 5,362,074), for reasons of record.

Claims 2-33 and 40-43, for reasons of record, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 44-72 are allowed. Applicant's amendment has distinguished claim 44 from Krasij *et al.* (US 6600422), applied in the last office action.

Applicant's arguments filed 12/27/2004 have been fully considered but they are not persuasive.

Applicants argue that the various metal shims disclosed by Murakami *et al.*, Saito, Inciong and Gallo *et al.* are not resilient. With respect to Murakami *et al.*, applicants argue that the "bead portion" (6a) is not part of the shim, but separated from the shim (6b) by a rubber layer (6c). This is not persuasive because the "bead portion" (6a) is part of the overall gasket, not just

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the outermost “solid lubricant” layer (6d). According to column 3, lines 47-50, the “metal gasket 6 illustrated in the drawing, using the composite material of the embodiment, has a mountain-shaped (so-called full bead type) bead portion 6a for sealing fluids”. The “bead portion” is thus a section of the overall gasket (6), not merely of its outermost layer (6d). Note that in figure 1, the entire gasket, and thus all layers thereof, include this deviation from a flat profile. Regarding the steel plate (11) of Saito, the strip of sheet metal (28) of Inciong, and the steel shim (26) of Gallo *et al.*, all of these would to some extent be able to withstand the stresses of the respective environments where they are used, and would thus to some degree be resilient. For example, Gallo *et al.* teach that their shim (26) “provides a number of advantages, including increased gasket strength” (column 2, lines 31-32).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Kalafut whose telephone number is 571-272-1286. The examiner can normally be reached on Mon-Fri 8:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sjk


STEPHEN KALAFUT
PRIMARY EXAMINER
GROUP
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